

THE DEFENSE

Thomas Foster (called for the prisoner) testified, "I slept part of the night that Friday night at James Melton's with Pauline Foster. I have seen Pauline and Dula sitting in each other's laps.

J.W. Winkler testified (recalled for the prisoner) "I was present when Pauline Foster was examined at a store in Elksville before a magistrate about this matter, after her examination she remarked to a person there present, 'I would swear a lie at any time for Tom Dula, wouldn't you George?' "

Mrs. Mary Dula testified, "He was 22 years of age on the 20th of June last, his home was with me. Thomas was not at my house, early in the morning on that Friday. I left the house after early breakfast that day, I got back just before dinner hour, found him lying on the bed. He ate no dinner, was there until sundown or thereabouts. While I was getting supper he started away and stayed off for about an hour, he came back to supper and went to bed as usual, I heard him during the night making a little moan, I went to his bed, he had been complaining of chills, he was my sole remaining boy, I had lost two in the war, I leaned my face down and kissed him. I didn't hear him go out that night. I have no knowledge of his doings though, he was there in the morning until after breakfast.

Cross Examination I did not say in the presence of Carson Gilbert or others on that Friday that I did not know where my son Thomas was. I met them on the afternoon of that day, near Lotty Foster's on the path between her house and mine. I had walked out to look after my cows in reply to an inquiry made of me. I told them "I do not know where Thomas was, unless he had gone to Minister." I did this at his request, as he said he was too unwell to go to the Minister. I did not want to be bothered by people making inquiries. The prisoner went out at dark that evening and stayed about an hour. He went to bed that night before I did and took off his clothes as usual.

Rufus Horton testified that he was acquainted with the general character of Mrs. Mary Dula, the last witness, and that it was good for truth and honesty.